SIGN REVIEW BOARD CITY OF ROCKVILLE, MD

RULES OF PROCEDURE

I. Established

The Sign Review Board is established as set forth in the provisions of Section 25.04.05 of the Zoning Ordinance. These rules of procedure are promulgated in accordance with Section 25.04.05.d.

II. Powers and Duties

In addition the powers and duties conferred in Section 25.04.05.b, the Board may grant modifications to the provisions of Article 18 of the Zoning Ordinance where strict application would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property or owner of such sign, without substantial impairment of the intent, purpose and integrity of the sign regulations. This provision does not permit the Board to grant a modification allowing any sign prohibited under Section 25.18.04.

III. Application for Sign Modification

An application for a modification from the provisions of Article 18 must be consistent with the provisions of Section 25.18.03.

IV. Notices

The agenda for each meeting shall be available in City Hall during normal business hours and on the City's website for a reasonable period prior to the meeting.

V. Hearings and Meetings

- A. Time and Place of Hearings. The Board holds hearings as needed at the place and time as provided in the agenda for each meeting. Special meetings are held upon the call of the Chair.
- B. Quorum. Two members of the Board constitute a quorum.
- C. Public Hearings. The applicant or moving party must be present at all public hearings. Failure to appear may cause the matter to be dismissed.
- D. Continuance of Hearing. Hearings may be adjourned from time to time, and if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice of such continued hearing is required.

- E. Order of Business. Meetings of the Board may be conducted in the following order:
 - 1. Hearing of each case, followed by a worksession
 - 2. Decision on each case
 - 3. Reading and approval of minutes of previous meeting
 - 4. New business

By majority vote, the Board may alter the order of business if desired.

- F. Procedure. At a hearing, the order of presenting testimony is as follows:
 - 1. Testimony by the petitioner;
 - 2. Testimony on the application by other interested parties;
 - 3. Rebuttal testimony of the applicant;
 - 4. Closing arguments.

At the conclusion of the testimony of each witness, opposing parties may cross-examine. Board members and the staff may question the witness at any time. Any member of the Board, including the Chair may make or second motions during the hearing.

- G. Decisions. The Board must grant or deny each application. Two votes are required to approve an application. Failure to obtain two votes is deemed a denial. Each grant or denial must set forth a summary of facts found and reasons for the decision. The decision must be made on the same day as the hearing wherever possible, or not later than the next regularly scheduled meeting. The Board may impose conditions on a grant of a sign modification.
- H. Notice of Decision. The Sign Review Board must provide written notice of its decision on any application by first-class mail within 10 business days to the petitioner and to any other person who has entered an appearance in writing prior to the decision by the Board.
- I. Record. An electronic transcript must be kept by a recording device, and the recording must be preserved as a public record of the City of Rockville for a period of one year. The recording maybe transcribed stenographically or copied electronically by any interested party at their own expense by arrangement with and under the supervision of the Director of the Department of Community Planning and Development Services or designee.
- J. Minutes. Written minutes must be kept showing the disposition of all cases and show the vote of each member upon each question, or, if absent or failing to vote, indicating that fact. The minutes must summarize the facts and the reasons for the decision in each case, and must be public records available for inspection by members of the public.

VI. Withdrawal of Application

Any request to withdraw an application must be made in writing or in person at the time of the public hearing or in writing at any time before the final decision of the Board. Granting of any such withdrawal is at the discretion of the Board.

VII. Appeals from Decision

Appeals of any decision by the Board must be in accordance with the provisions of Section 25.04.05.g.

VIII. Amending the Rules of Procedure

The rules of procedure may be amended at any meeting of the Board by a majority vote of the Board, provided that notice of said proposed amendment is given to each member in writing at least two weeks prior to said meeting.

IX. Severability

The provisions of these Rules are severable, and if any court of competent jurisdiction holds any of their provisions invalid, the decision of such court shall not affect or impair any of the remaining provisions.

X. Rules Not Jurisdictional

These Rules of Procedure serve as guide to the operation of the Board. They do not constitute jurisdictional requirements, and do not confer rights or impose obligations not otherwise conferred or imposed by law. Failure of the Board, its staff, or any party to comply with any provision of these Rules shall not invalidate any otherwise valid decision or action of the Board.

XI. Conflict

Whenever any conflict occurs between these Rules, the Annotated Code of Maryland and the Laws of Rockville, the Annotated Code of Maryland and the Laws of Rockville shall prevail.